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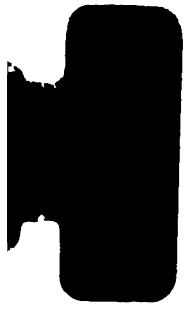

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(1895)

THE CANADIAN GREEN BAG

AN ENTERTAINING

MAGAZINE FOR LAWYERS

EDITED BY F. LONGUEVILLE SNOW

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Canadian Green Bag

VOL. I. MONTREAL, JANUARY 1, 1895. NO. 1.

The Honorable Sir Samuel Henry Strong.

Chief Justice of the Supreme Court of Canada.

Upon the death of the late Chief-Justice Sir William Johnston Ritchie, the Hon. Samuel Henry Strong was appointed to the vacancy on the 13th Dec., 1892, and created a knight in May, 1893. His appointment to the Supreme Court Bench dated from 1875. He was born in England in 1826, and is the son of an Anglican Church clergyman. After practising his profession for some years in Toronto, where he soon became one of the leaders of the Equity Bar, in 1869 he was raised to the Bench as senior Vice-Chancellor of the Province, at the comparatively early age of forty-four. After serving in that capacity for five years, he was promoted to the Court of Error and Appeal of the Province. When the creation of a Supreme Court of Appeal for the Dominion was being mooted, Judge Strong by general consent was coupled with Chief-Justice Richards as most eminently qualified for a seat on the bench of that court. The *Canada Law Journal*, writing on the subject some time before the appointments were made by the Government, after discussing the acknowledged fitness of Chief Justice Richards for the position of chief of the proposed court, said: "With regard to his coadjutors in this Province, one name immediately presents itself, that of Mr. Justice Strong. Admittedly a man of great talent and learning, and a scientific lawyer, he is undoubtedly one of the best civil law jurists in Canada, and thoroughly familiar with the French language. The great advantages of these qualifications in such a position are obvious." And upon his appointment, the same journal remarked that "as a lawyer pure and simple and in intellectual capacity he has no superior on the bench."

As might be expected, Sir Samuel Strong's judgments are models of judicial style: clear, logical, and expressed in the purest and most correct English, they are deserving of the closest study for their beauty of diction, their close reasoning, and profound legal research. In appearance the Chief-Justice is strikingly handsome. On any bench he would be remarked for his fine intellectual face and judicial bearing.

Among a number of amusing scenes and incidents that have occurred at various times during the Supreme Court sitting, it is related that not many years ago, an Ottawa barrister, who was, as he supposed, on rather familiar terms with the present Chief-Justice, was arguing a *habeas corpus* case. The judges were not inclined to hear him, when the lawyer remarked that the Statute imposed certain duties upon Supreme Court judges which they could not endeavor to shirk. "I am not going to sit here and listen to language of that sort," remarked Mr. Justice Strong in a rather angry tone. "What is that, Mr. Strong?" queried the lawyer, who had not apparently heard his lordship's remark. "Mr. Strong!" roared the judge, now thoroughly enraged. "Is

that the way to address a judge of the Supreme Court? I leave the bench." And with these words he left for the library. The lawyer tried to go on, but as there had only been five judges sitting, there was no quorum. At last *Mr.* Strong was sent for, and when he took his seat the lawyer apologized for his *fauxpas*.

There is also a legend about the Court, to the effect that on one occasion, when Sir Samuel Strong heard that his learned brethren had agreed to confirm a judgment given by him as Exchequer Court judge, he exclaimed :—"Well, but I still think I was right."

Administration of Justice in Russia.

In view of the interest now generally taken in matters Russian, and of the probable *rapprochement* between England and Russia in the near future, it may not be out of place to give a very brief view of the system of administering justice in that country.

The present judicial organization in Russia dates from the Imperial Ukase of the 20th November, 1864. The most important reforms which it established were the separation of the judicial from the administrative functions; the independence of the judiciary; equality of Russian subjects before the courts, without distinction of class; substitution of open for secret and inquisitorial procedure, the latter being resorted to only in cases involving offences immediately affecting the State or its officials.

Previous to 1864 the administration of the law in Russia was in a chaotic condition. In the early days, with the Czar as the fountain of justice, his powers were delegated to certain high justiciars, the seigniors of the district. By degrees, society in Russia became divided into four distinct classes: the nobility, the clergy, inhabitants of towns, and inhabitants of the country. Each of these had its own laws, and each was dependent upon different functionaries in matters judicial and administrative. This led to much confusion and conflict of jurisdiction. Ukase after ukase was poured forth into the already inextricably confused mass of written laws, there being sometimes as many as five ukases on the same subject, and entirely contradictory of each other.

Splendid attempts were made from time to time to codify the immense mass of laws, culminating in 1833 in a sort of digest called the *Svod*. This remarkable work contains more than 42,000 articles, distributed among 1,500 chapters, and forming a modest library of 15 large volumes. It was added to annually by means of supplements at the rate of one volume a year. But these attempts at codification were all incomplete and unsatisfactory in the absence of a proper system for administering the law. The important reforms inaugurated by the ukase of 1864 brought relief.

Article 1 of the Judicature Act provides that the judicial powers are to be distributed among: 1st, Magistrates; 2nd, Magistrates' Assemblies: 3rd, Superior Courts for the judicial districts; 4th, Appellate Courts; 5th, the Senate sitting as a Court of Cassation. There are also courts for exceptional jurisdictions, such as maritime courts and commercial tribunals.

In many respects Russian courts are organized on the French plan, and notably in the direct representation of the State through its special officer, the "*procureur*" or his "*substitut*."

1*st.*—*Magistrates.*

Magistrates are chosen from the landlord class. They must have a real property

qualification of not less than a thousand roubles, be not less than twenty-five years of age, and have the necessary moral qualifications. The judicial district is divided into cantons, each canton having its titulary magistrate and a certain number of honorary magistrates sitting with him. Magistrates hold their position by popular vote of the *Zemstvo*, a body elected by the property owners of the district, and the office only lasts for three years. The manner and term of their appointment have been criticized on the continent as being open to the objections that are so often raised against the same system of electing the judiciary in the United States. The honorary magistrates are generally chosen from among the landed gentry of the district, or other gentlemen of influence, and give the magistrate the benefit of their experience in affairs generally.

They have about the same powers and functions as the titulary magistrates when the parties to the dispute consent to be judged by them.

This tribunal is quite a patriarchal institution, and probably of Gothic origin. It certainly much resembles the old English Hundred Courts or Courts-Baron. Its jurisdiction is quite extensive, and as a marked indication of the intention to keep the institution a representative one, there are no appeals from it to the next court above, the Superior Court of Record, such appeals being heard by the same tribunal sitting in assembly. Appeals lie, however, to the Senate sitting in Cassation.

2.—*Magistrates sitting in Assembly.*

Magistrates sitting in assembly review the decisions of their brother judges. In this respect they occupy the same position as the Superior Court of this province (Quebec) sitting in review. Such constitution of a court has been unfavorably criticized on the Continent, as well as with us. One noticeable feature about these Magistrates Courts is that they are enjoined to decide cases according to equity rather than the written law.

The sittings of these assemblies are surrounded with no small "*éclat.*" The scene usually presented is a rectangular room. Benches of clean white pine are reserved for the disputants and the usual crowd of curious onlookers. No policemen are to be seen about the room or the passages. Seated near the usher is a priest of the Orthodox Church, who assists in swearing the witnesses. If a Protestant or a Catholic witness were to appear, so also would the priest of his particular religion, to swear him. A desk is provided for each of the disputants to place their papers upon. Between these two desks is a third on which a Bible and cross are placed.

In Russia, the word "*red*" is synonymous with "beautiful," and red is the judicial color *par excellence.* The tables at which are usually seated the attorney for the State and the clerk of the Court are covered with crimson cloth with a gold fringe, likewise the judges' tables. The chairs and the rest of the upholstering are of the same brilliant color. The magistrates are attired in black frocks, with gold buttons and white ties. A gold chain is worn over the shoulders as an insignia of office.

The procedure is simple and expeditious. The parties to the dispute do their own advocacy, and are generally very capable in this respect, displaying remarkable elocutionary powers, stating their case with clearness, and keeping closely to the point.

3.—*Superior Courts.*

As we remarked before, it is a strange feature of Russian judicial organization that the Superior Courts have no jurisdiction over the Magistrates Courts. They are courts

of record of original jurisdiction in all matters wherein the lives and fortunes of the suitors are at stake. There are only 84 of these courts to serve a population of 90,000,000, and the jurisdiction of 43 of these extends over a whole province. The court is divided into three sections, three judges being a quorum in each. One of the three acts as president.

Sitting as Courts of Assize they have the assistance of a jury where the crime accused is of a certain gravity. As with us, the witnesses are examined by counsel for the defence as well as counsel for the prosecution The qualifications of a juryman are somewhat similar to ours. The institution of trial by jury is well established in Russia, *but*, it is said, owing to a number of flagrant acquittals, the right to trial by jury has been taken away in cases of sedition, injuries to servants of the State in the performance of their duties, infraction of the customs laws, and certain offences committed by railway employees,--in fact, in all offences *directly* affecting the interests of the State. From our point of view, however, this *but* will be considered a very material one.

4.—*Courts of Appeal.*

To the 84 Superior Courts are 10 Courts of Appeal. Each of these has its *first* president, but the court is divided into sections each having its president. Three judges form a quorum. All civil cases in the Superior Courts are appealable to these courts, irrespective of the amount involved.

In criminal matters they also hear appeals from the Superior Courts. But in those cases where trial by jury has been taken away, the accused may be represented by a member of his class, who sits as a judge and participates in the pronouncement of judgment. If the accused is a nobleman, he is represented by one of the marshals of nobility; if an inhabitant of the town, by the mayor; and if a rustic, by the dean of the canton. This arrangement shows an attempt to reconcile the interests of the accused, with the necessity of severely repressing certain facts which might embarrass the State. In practice, however, this must be a very poor substitute for trial by jury.

5.—*The Senate Sitting as a Court of Cassation.*

Unlike the French Court of Cassation, the Senate combines the highest administrative and judicial functions. Its varied powers are exercised through different departments. The Department of Justice is the ultimate Court of Appeal in civil and criminal matters for the Empire.

Exceptional Jurisdictions

Are the Military, Maritime and Commercial Courts. But there are two others which are peculiarly national in character, and which somewhat belie the sweeping and high-sounding assertion of Art. 2 of. the Judicature Act, that the jurisdiction of the Courts extends to all persons irrespective of "class." It has been found necessary for the clergy to have special representation, as well as another very widely divergent class, the peasantry.

Ecclesiastical Courts.

The Ecclesiastical Court, in addition to its corporative jurisdiction over all members of the clergy, embraces in its jurisdiction all Russians who are members of the Greek Church. In questions of marriage, divorce and violation of the canons of the Orthodox Church, it has exclusive jurisdiction. In matters of bigamy, incest, marriage by violence, rape or fraud, it has concurrent jurisdiction with the secular courts.

A special and high court, composed of permanent members chosen from among

the metropolitans and archbishops, sits at Saint Petersburg. Apart from its appellate functions, it is charged with the surveillance of religious affairs all over the Empire; with the suppression of heresy; investigation of miracles attributed to relics, and many other duties.

The Volost Court.

One of the most striking of Russian legal institutions is the peasant's Court. This tribunal puts within reach of a population forming three-quarters of the whole, a jurisdiction quite in harmony with their simple ways and ideas. It was found impossible, upon emancipation of the serfs, to deprive them of these particular courts to which custom had so long inured them.

The *Volost* comprises a large commune or group of small communes. The *Volost* Court has jurisdiction only over the peasants inhabiting that *Volost*.

The judges themselves are mere peasants, often illiterate, and are elected by their peers, the members of the *Volost* council, who are themselves nominated by the village fathers. They number from four to twelve, and their services, which are gratuitous, extend over the period of one year. Decisions must be given by at least three judges. The Court sits fortnightly, and generally on Sundays. All the proceedings are oral. The Court is assisted by the *Pisar* or communal clerk, who takes notes of the proceedings and judgments rendered. The judges have jurisdiction in civil matters up to 10 roubles, and even beyond, when the partie consent.

In criminal matters they can recognize offences committed between peasants. They settle disputes or offences connected with disturbances, drunkenness, begging, theft of property below 30 roubles in value, and others.

They can inflict fines up to 3 roubles, six days' labor at the profit of the commune, or 25 strokes of the knout. This infliction of the knout is quite an anomaly, seeing that its use is proscribed by the ordinary penal statutes of the country. But it goes to show the influence of custom upon the people subject to these courts. Another reason is put forth to explain the preference for inflicting the knout rather than fines. The members of the *Volost* are held jointly and severally liable for the payment of revenue derived from this source, and it is clear that the judges do not want to impose fines which, by bringing about the insolvency of the culprits, would necessarily have to be paid by them.

Appeals can only be heard from this tribunal in cases where the judge has exceeded his jurisdiction, or has disregarded some of the essential feat res of ordinary procedure, such as an omission to notify the parties or hear witnesses.—*F.L. Snow.*

Theft of Electricity.

Judges of inferior jurisdiction have sometimes doubted whether electricity could be the subject of larceny. Such a case once arose in the St. Louis Criminal Court. The prosecution was against a hardware dealer, who was charged with the theft of electricity by tapping an electric light wire and thus securing illumination free. The judge would not concede that the offence was larceny, and the grand jury would not say it was fraud. But as "gas" has been held to be the subject of larcency, undoubtedly the same doctrine would apply to electricity.

The Electric Light Inspection Act, 57-58 Vic., Ch. 39, sec. 10 (1894) (D.) has set all doubts at rest upon this point in Canada by enacting that "Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity shall be deemed guilty of theft, and punishable accordingly."

Progress of the Law.

OBSTRUCTION TO HIGHWAYS FOR BUSINESS PURPOSES.

This title is the subject of an annotated case in the November number of *The American Law Review*. From a review of the cases the author deduces the following principles:

1. The primary purpose of a street or sidewalk is for the passage and travel of the public.

2. Any obstruction of the public highway, to be lawful, must be necessary, temporary, and reasonable. To this rule, there is this qualification: the use of the street is not limited to cases of strict necessity, but it may extend to purposes of convenience or ornament, provided it does not unreasonably interfere with the public rights.

THE RIGHT TO REPRODUCE PHOTOGRAPHS.

This question is constantly becoming of widening interest. One of the most interesting decisions which have been given of late is the opinion of Judge Colt, of the United States Circuit Court in the case of *Corliss v. Walker*. This was an action by the widow of the inventor of the Corliss engine, to restrain defendants from publishing and selling a biographical sketch of Mr. Corliss, and from printing and selling his pictures therewith. Relief was asked for, upon the equitable grounds that the said publication is an injury to the feelings of the plaintiffs and against their express prohibition. The question resolved itself into the broad proposition of how far an individual in his lifetime, or his heirs-at-law after his death, have a right to control the reproduction of his picture or photograph. The Court held, that though private individuals may prevent the use by others of their pictures, yet that public characters who have permitted the use of their portraits cannot prevent the publication either of their portrait or of a sketch of their lives.

The difficulty will always lie in determining the distinction between a public and private character.

In France the question has assumed such proportions as to be the subject of a short treatise just published in Paris. The French Courts have proceeded on stricter lines, and are more inclined to protect the individual in his right to privacy.

COLLUSION IN ACTIONS OF DIVORCE.

The case of *Churchward vs. Churchward*, decided by the Court of Probate, and reported at length in *The Times* of Nov. 23, goes very fully into the question of collusion. The Court held that if the initiation of a suit be procured, and its conduct (especially if abstention from defence be a term) provided for by agreement, that constitutes collusion, although no one can put his fingers on any fact falsely dealt with or withheld. In the present case, the initiation of the suit was procured, and its results as to costs and damages settled by agreement: hence there was collusion

RESTRAINT OF TRADE.

The Texas Court of Civil Appeals has carved out an interesting exception to the general rule in regard to contracts in restraint of trade, by ruling, in *Anheuser-Busch Brewing Assn, vs. Houck*, 27 S. W. Rep. 692, that a combination of persons and firms in a city for the control of the sale of beer and the cessation of competition *inter se*, is *not* void at common law as against public policy, although in restraint of trade, since beer is not an article of prime necessity, and its sale is closely restricted by public policy.

BILLS AND NOTES.

The Court of Appeals of England recently held that, inasmuch as the acceptor of a bill of exchange has the full three days of grace in which to pay it, when payment is refused by the acceptor at any time of the last day of grace, the holder, though at once entitled to give notice of dishonor to the drawer and indorser, has no cause of action against either the acceptor or the other parties to the bill until the expiration of that day, because the acceptor may repent before it expires. *Kennedy vs. Thomas* [1894], 2 Q.B. 759.

PARTNERSHIP ASSETS.

When an action is pending for the dissolution of a partnership, on the ground that the defendant partner is of unsound mind, the Court will grant an injunction to restrain the defendant from interfering in the conduct of the partnership affairs, so as to injure the business and assets of the firm. *J. vs. S.* [1894], 3 Ch. 72.

SCHOOL TEACHER'S CONTRACT.

When one employed to teach in a public school for a certain time is able and willing to teach during that time, the fact that the school was necessarily closed part of the time by order of the Board of Health, because of the prevalence of a contagious disease among the pupils, does not deprive the teacher of the right to compensation for the entire time, since the closing of such schools is not caused by the Act of God. *Gear vs. Gray*, Appellate Court of Indiana, June, 1894.

QUESTIONS OF FACT IN APPEAL.

In *Weegar vs. Grand Trunk Ry. Co.*, Supreme Court of Canada, 31st May, 1894, the Court decided that though the findings of a jury are not satisfactory upon the evidence, a second Court of Appeal could not interfere with them.

Also in *Guyon vs. City of Montreal*, decided in the same Court at the same date, it was held that in matters of expropriation, when the decision originally of a majority of arbitrators, who were men of more than ordinary business capacity, has been given, such decision should not be interfered with on appeal upon a question which is merely one of value.

BETTING AND GAMING.

In a betting game called "policy," the actual betting took place in the United States, all that was done in Canada being the happening of the chance on which the bet was staked. It was held, that there was no offence of keeping a common gaming-house, within s. 108 of the Criminal Code. *Reg. vs. Wittman*, Ontario Common Pleas, 23rd June, 1894.

RACING—AWARD OF CHALLENGE CUP.

Courts will not interfere in the decision of the trustees of a challenge cup to be awarded to the club which, through its members, wins a bicycle race, when the race was entered into subject to conditions expressed in the declaration of trust which provided that "all arrangements pertaining to the course and race, protests, and matters connected with the welfare of the club, will be decided by the trustees." *Ross vs. Orr*, Ontario Q.B.D., 21st June, 1894.

Civil Law.

TRANSFER OF DEBT.

The debtor can always plead the settlement of the debt in an action against him by the transferee thereof, provided the settlement was obtained prior to the notice of transfer.

And where in an action by the transferee against the debtor, the settlement of the debt produced by the latter was claimed

by the transferee to have been ante-dated, but he produced no evidence to that effect, the Court held that the transferee having applied to the debtor for payment of the debt before the notice of transfer, and being then told that the debt was settled, although the settlement was not then produced, could not now recover. Court of Appeal of Paris, 11th July, 1894; Gaz. des Trib., No. 20,961.

ALIMENTARY ALLOWANCE.

A daughter-in-law owes an alimentary allowance to her indigent father-in-law *concurrently* with her husband, and not in default of the latter's ability to pay it. Court of Appeal of Paris, 27th July, 1894; Gaz. des Trib., 14th Oct.

CONDITIONAL LEGACY.

A clause in a legacy by a husband to his widow, imposing upon the legatee the restriction that she shall not marry again, is not necessarily void. This is a question to be appreciated by the judge from the particular circum tances of the case, especially where the condition is not the chief and determining cause of the liberality. Court of Appeal of Caen, 24th July, 1894; Gaz. des Trib., 27th Sept., 1894.

Note.—This is a much controverted question in France. See Laurent 11, 501; Taulier, 4, 323; Paggani, 135; Trib de Périgueux, 30th Aug., 1865; Cass. Sirey, 67, 1, 204; Trib. de Liège, Sirey, 83, 4, 25; Larombière, Oblig. sur art. 1172, n. 29; Troplong, 1, 248; Dem., 1, 250; Touillier, 5, 249; Demante—Colmet de Santerre, 3, n. 16; Aubry et Rau, 7, 292; Cass, S. 49, 1, 173; 67, 1, 204; Rennes, S. 1879, 2, 115; Massy, S. 80, 2, 203. See also on conditions *Martin vs. Lee*, 14 M.P.C.; 142; *Evanturel vs. Evanturel*, L.R., 6 P.C.; *Kimpton vs. C.P.R.*, 16 R.L. 361; *Webster vs. Kelly* M.L.R. 7, S. C. 25.

PENALTY FOR BREACH OF CONTRACT.

The French, courts like those of England, are unwilling to give effect to penalties for breach of contract. Mlle. Yvette Guilbert, the famous comic-singer, entered into an engagement with her manager whereby either was to forfeit $30,000 for breach of contract In an action by the manager to recover that sum, the Court held that the penalty could not be brought into effect when the breach only arose from Mlle. Guilbert's misinterpretation of the terms of the contract, and not knowingly and in bad faith. Court of Appeal of Paris, 22nd Nov., 1894; Gaz. des Trib., 23rd Nov., 1894.

Lays of the Law.

LAW OF LIEN.

Last week, at Sydney, under writ of *habeas corpus*, Justice Foster enforced restitution to a mother of her infant, detained by another woman as security for payment of its maintenance; he further ruled that the clothes it wore must go with the child; and remarked that the law did not provide for liens on babies.

"Have 'is carcase" redivivus,
Tho' these hairs so few and gray be,
Our posterity survive us—
Tuck thine segis round the baby!

Loquitur presiding Justice:
"What, ma'am, could your reason pray be?"
Sobbeth answer: "Wrong'd my trust is,
For its keep I claim the baby."

"Part," quoth Law, "that infant's *corpus*."
She: "The duds I bought, my prey be."
Law rejoins: "No ruth can warp us;
Clothes are parcel of the baby.

"Need is clear for public stating,
Mortgaged wool and lambkin may be;
But we still lack forms creating
Valid lien on swaddled baby."

From the Sydney (N.S.W.) *Bulletin*, Sept. 29, 1894.

Evolution of Legal Poetry in Scotland.

The appreciation of the comic side of the law in Scotland would seem to date from about the year 1871. It is only since that date that law journals in that country were so bold as to introduce comic legal verse in their numbers. Taking the *Journal of Jurisprudence* (a very sedate sounding medium for anything like humor) as the standard, we find that since the above date down to the year 1891, when the journal ceased to exist, the choicest productions of the wit of American and English lawyers were hastily adopted—not to mention the rapidly increasing productions of local talent.

The following is an extract from a recent volume:—

TRUX APER INSEQUITUR.

Tune—"Judy Callaghan."

(Appeal McVey *v.* Hennigan, Jan. 12, 1882.)

There lived, as I am tould,
In Stirling's noble city,
Two Irish lads so bould
The subjec' av me ditty;
They both had pigs galore,
And sties to fence and screen 'em
And each possessed a boar
With only a hedge between 'em
Says McVey:
"Darlint Mr. Hennigan,
You must pay
If your boar comes in again."
* * * *

Now, Hennigan's boar,
Faix he loved to wandher,
Divile a wall or door
Would kape him from his dandher.

The result was the boar got into "Pat's" garden. His wife advises him to drive it out.

But Tony's boar! worse luck!
He had a heart so darin',
Bedad! he ran amuck
At this bould son of Erin;
So Pat was forced to fly,
And mighty quick he went, too,
While Piggy from his thigh
Tore out a small momento,
Says McVey, etc.

Then before the Court, Hennigan's defense is:

"Me Piggy has," says Tone,
"The swatest, best av naytures,
And, Pat, ye should have known
The ways av them dumb craytures;
His timper 's easily stirred
When taken' av his airin'!
Nor can he stand a worrd
Av cursin' or av swearin'."
Says McVey, etc.

The Court have their say.

The Lords, in gownds so grand,
Were tould the dismal story
How Piggy, though so bland,
Made Pathrick's groin so gory!
They said 'twas not polite
For Pat to use such langwidge,
Still, Piggy had no right
To eat *a raw ham sandwich*.
Says McVey, etc.

Facetiæ.

Visitor (in court room)—"What dastardly crime was committed by the prisoner who was just convicted?"

"He stole a ride on a railroad."

"And the man who got free?"

"He stole the railroad."

The new Kansas ballot law requires that "the lower limbs of the voter as high up as the knee shall be visible from the outside, while the voter is in the booth preparing his ticket, the lower part of the booth having been left open for the purpose." Is this another scheme of the enemies of woman suffrage?—*Boston Globe.*

John Coffey, a well known lawyer of Hamilton county, Ohio, was counsel in a case which had already been postponed some two or three times at his request.

"Have you good grounds for wishing another postponement?" asked the judge.

"Yes, sir, I have," replied Coffey.

"What are they?" asked the Court.

"Coffey grounds, your honor."

"Coffey grounds?" repeated the judge.

"Yes, sir," said John.

Then the judge got on his dignity, and admonished the lawyer that he was trifling with the Court.

"Your honor," said Mr. Coffey, "there was a small addition to my family last night, and I submit, your honor, that that is good grounds for asking for a postponement."

Did John get his postponement? Well, rather!

And the judge nearly fell from the bench.—*Cincinnati Times—Star.*

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